

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 157

Introduced by Assembly Member Campos

January 22, 2013

An act to amend, *repeal*, and *add* Section 6320 of the Family Code, relating to protective orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 157, as amended, Campos. Protective orders: credibly impersonating and falsely personating.

Existing law authorizes a court to issue an ex parte order enjoining a party from engaging in specified acts against another party, including threatening or harassing that party, and, in the discretion of the court, against other named family or household members. A violation of this court order constitutes contempt of court, which is punishable as a misdemeanor.

This bill would, *commencing July 1, 2014*, additionally authorize a court to issue an ex parte order enjoining a party from credibly impersonating or falsely personating another party.

Because a violation of this court order would be punishable as contempt, a misdemeanor, this bill would create a new crime and would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 6320 of the Family Code is amended to*
2 *read:*

3 6320. (a) The court may issue an ex parte order enjoining a
4 party from molesting, attacking, striking, stalking, threatening,
5 sexually assaulting, battering, harassing, telephoning, including,
6 but not limited to, making annoying telephone calls as described
7 in Section 653m of the Penal Code, destroying personal property,
8 contacting, either directly or indirectly, by mail or otherwise,
9 coming within a specified distance of, or disturbing the peace of
10 the other party, and, in the discretion of the court, on a showing
11 of good cause, of other named family or household members.

12 (b) On a showing of good cause, the court may include in a
13 protective order a grant to the petitioner of the exclusive care,
14 possession, or control of any animal owned, possessed, leased,
15 kept, or held by either the petitioner or the respondent or a minor
16 child residing in the residence or household of either the petitioner
17 or the respondent. The court may order the respondent to stay away
18 from the animal and forbid the respondent from taking, transferring,
19 encumbering, concealing, molesting, attacking, striking,
20 threatening, harming, or otherwise disposing of the animal.

21 (c) *This section shall remain in effect only until July 1, 2014,*
22 *and as of that date is repealed, unless a later enacted statute, that*
23 *is enacted before July 1, 2014, deletes or extends that date.*

24 ~~SECTION 1. Section 6320 of the Family Code is amended to~~
25 ~~read:~~

26 ~~6320.—~~

27 *SEC. 2. Section 6320 is added to the Family Code, to read:*

28 6320. (a) The court may issue an ex parte order enjoining a
29 party from molesting, attacking, striking, stalking, threatening,
30 sexually assaulting, battering, credibly impersonating as described
31 in Section 528.5 of the Penal Code, falsely personating as described
32 in Section 529 of the Penal Code, harassing, telephoning, including,
33 but not limited to, making annoying telephone calls as described

1 in Section 653m of the Penal Code, destroying personal property,
2 contacting, either directly or indirectly, by mail or otherwise,
3 coming within a specified distance of, or disturbing the peace of
4 the other party, and, in the discretion of the court, on a showing
5 of good cause, of other named family or household members.

6 (b) On a showing of good cause, the court may include in a
7 protective order a grant to the petitioner of the exclusive care,
8 possession, or control of any animal owned, possessed, leased,
9 kept, or held by either the petitioner or the respondent or a minor
10 child residing in the residence or household of either the petitioner
11 or the respondent. The court may order the respondent to stay away
12 from the animal and forbid the respondent from taking, transferring,
13 encumbering, concealing, molesting, attacking, striking,
14 threatening, harming, or otherwise disposing of the animal.

15 (c) *This section shall become operative on July 1, 2014.*

16 ~~SEC. 2.~~

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.